

On August 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5504. Adulteration of canned oysters. U. S. v. 60 Cases and 93 Cases of Canned Oysters. Decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 10717. Sample No. 11540-F.)

On September 10, 1943, the United States attorney for the Northern District of California filed a libel against 60 cases, each containing 49 cans, and 93 cases, each containing 24 cans, of oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 26, 1943, by the Seacoast Packing Co., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence therein of decomposed oysters. The article was labeled in part: (Cans) "Dunbar Delicious Oysters."

On September 27, 1943, Dunbar-Dukate Co., of New Orleans, La., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was sorted according to codes and the portion containing decomposed oysters was destroyed.

**5505. Adulteration of canned rock lobster. U. S. v. 700 Cases of Canned Rock Lobster. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law.** (F. D. C. No. 10246. Sample No. 42445-F.)

Examination showed that this article was underprocessed and in part decomposed.

On July 17, 1943, the United States attorney for the Western District of Washington filed a libel against 700 cases, each containing 48 cans, of rock lobster at Seattle, Wash., alleging that the article had been shipped from Miami, Fla., on or about February 24, 1943, by the Apte Brokerage Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Cuban Star \* \* \* Natural Fancy Rock Lobster \* \* \* Product of Cuba."

On September 17, 1943, Safeway Stores, Inc., a Maryland corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The swells, springers, and deteriorated cases were segregated and destroyed.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**5506. Adulteration of canned blackberries. U. S. v. 1,260 Cases, 1,500 Cases, and 861 Cases of Canned Blackberries. Default decree of condemnation and destruction.** (F. D. C. Nos. 10121, 10429, 10430. Sample Nos. 3189-F, 19206-F, 20652-F.)

On June 22 and August 19, 1943, the United States attorneys for the District of Nebraska and the District of Massachusetts filed libels against 1,260 cases at Omaha, Nebr., and 1,500 cases and 861 cases at Lawrence and Fort Devens, Mass., respectively, each containing 6 cans of blackberries, alleging that the articles had been shipped on or about December 10, 1942, and January 23, 1943, by the Mt. Airy Canning Co. from Mt. Airy, N. C.; and charging that it was adulterated in that a portion consisted in whole or in part of decomposed substances, rotten and moldy berries, and in that the remainder consisted in whole or in part of a filthy and decomposed substance, larvae and insects and moldy berries. The article was labeled in part: (Cans) "Carolina Beauty Blackberries."

On July 12 and November 22, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**5507. Misbranding of canned peaches. U. S. v. 327 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 10268. Sample No. 11094-F.)

On July 15, 1943, the United States attorney for the Western District of Arkansas filed a libel against 327 cases, each containing 12 jars, of canned peaches at Fayetteville, Ark., alleging that the article, which had been consigned by Rey Chatfield, had been shipped in interstate commerce on or about June 11, 1943, from San Francisco, Calif.; and charging that it was misbranded. The article